



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,990	10/30/2003	Stephen J. Orr	91922-7	5665

22463 7590 06/13/2007

SMART AND BIGGAR  
438 UNIVERSITY AVENUE  
SUITE 1500 BOX 111  
TORONTO, ON M5G2K8  
CANADA

EXAMINER
----------

WOO, STELLA L

ART UNIT	PAPER NUMBER
----------	--------------

2614

MAIL DATE	DELIVERY MODE
-----------	---------------

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,990	<b>Applicant(s)</b> ORR, STEPHEN J.	
	<b>Examiner</b> Stella L. Woo	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2-3, 5-21, 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Caviedes et al. (US 6,646,673 B2, hereinafter "Caviedes").

Regarding claim 23, Caviedes discloses a computing device (facilitator terminal 102) storing computer executable instructions adapting said device to:

receive data streams (facilitator terminal 102 collects all the input data from each of client terminals 104, 106, 108 in the form of video, audio and text; col. 3, lines 43-48);

transcode at least one of said received data streams to a bitrate different than that with which it was received, based on a level of activity associated with a participant originating the stream (the frame rates for inactive participants are lower than the frame rates of more active participants; col. 7, lines 5-10);

provide output data streams formed from said received data streams to said participants (input data collected by the facilitator terminal 102 is redistributed to the client terminals 104, 106, 108; col. 3, lines 46-48).

Art Unit: 2614

Regarding claim 24, the video image of an inactive participant would literally freeze (col. 7, lines 5-7).

Regarding claims 21, 25-26, Caviedes discloses a method of controlling display of video associated with a conference comprising:

displaying a plurality of video images (windows A, B, C, D; Figure 6), each of said plurality of video images representing one of said multiple conference participants (views of four participants are shown in respective windows A, B, C, D; col. 5, lines 43-50);

continuing to display all of said plurality of video images (Figure 6), while adjusting an appearance of a video image representing one of said conference participants (window properties can be used to visualize the activity information, such as window size, image frame rate, image resolution, window border color, background color, brightness, special effects, etc.; col. 5, line 63 – col. 6, line 8), in dependence on a level of activity associated with said one of said conference participants (during the session, window parameters change in consequence of the received activity information; col. 5, line 50 – col. 6, line 8).

Regarding claim 2, the window parameters change as activity levels change during the conference (col. 5, lines 50-52). For instance, windows corresponding to talkative participants have gradually moved upward (col. 5, lines 52-53).

Regarding claim 3, changing window parameters include window size (col. 5, lines 63-65).

Art Unit: 2614

Regarding claim 5, at the start of a conference, when activity levels are similar, the windows A', B', C', D' are at the bottom right region of the display (Figure 6; col. 5, lines 48-50).

Regarding claims 6, 20, customization is possible so that user can choose how to visualize information (col. 7, lines 7-8).

Regarding claim 7, changing window parameters include border color or background color (col. 5, lines 63-66).

Regarding claim 8, the facilitator terminal receives activity information such as key stroke count and talking time count (col. 4, lines 50-54) or an indication of volume of audio or the number of words generated (col. 6, lines 15-19).

Regarding claim 9, note display manager 550.

Regarding claim 10, monitoring unit 540 derives remote user activity from the received remote user input data (col. 5, lines 20-24).

Regarding claim 11, each terminal 402, 404, 406, 408 derives and distributes local user activity information for display at the remote terminals (col. 4, lines 62-65).

Regarding claim 12, changing window parameters include image resolution (col. 5, line 65).

Regarding claim 14, sending unit 542 transmits video by way of network 510 (Figure 5).

Regarding claim 15, frame rates are higher for leading participants (col. 7, lines 5-7).

Art Unit: 2614

Regarding claim 16, activity information can be based on detected motion such as nodding (col. 6, lines 20-26).

Regarding claim 17, activity information can be based on the volume of audio (col. 6, lines 15-17).

Regarding claim 18, video images are redistributed by the facilitator terminal to each client terminal (col. 3, lines 46-48).

Regarding claims 13, 19, video image of an inactive participant remains frozen (col. 7, lines 6-7).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caviedes in view of Nelson et al. (US 2004/0008635 A1, hereinafter "Nelson").

Caviedes differs from claim 4 in that it does not teach presenting audio at a volume that varies in dependence on said level of activity. However, Nelson, from the same field of endeavor, teaches the desirability of adjusting the volume of a participant based on the level of activity (paragraphs 68-69) such that it would have been obvious to an artisan of ordinary skill to incorporate such audio volume adjusting, as taught by

Art Unit: 2614

Nelson, within the method of Caviedes so that audio from the more active participant can be heard above the audio from less active participants.

***Response to Arguments***

5. Applicant's arguments with respect to claims 2-21, 23-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Terui et al. show assigning a value to each videoconference participant based on activity level and adjusting a video image accordingly.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo  
Primary Examiner  
Art Unit 2614